

Appl. No. 10/633,048  
Amendment dated: May 31, 2006  
Reply to OA of: February 22, 2006

This listing of claims will replace all prior versions and listings of claims in the application.

**Listing of Claims:**

Claims 1-8(canceled).

9(currently amended). The DNA vaccine according to claim [[1]] 16, wherein said tumor-associated gene the N'-neu portion of said fusion gene comprises a truncated segment of N'-neu neu gene encoding extracellular domain of neu protein.

Claims 10-11(canceled).

12(currently amended). The DNA vaccine according to claim [[1]] 16, wherein the tumor-associated gene N'-neu portion of said fusion gene is upstream or downstream of the cytokine (IL)-2 portion of said fusion gene.

Claims 13-15(canceled).

16(currently amended). [[The]] A DNA vaccine according to claim 1, wherein it is a DNA vaccine containing N'-neu-IL-2 fusion gene controlled by a CMV promoter.

17(currently amended). The DNA vaccine according to claim [[1]] 16, wherein said DNA vaccine is carried by retroviral vector, adenoviral vector, adeno-associated viral vector, or liposome, or said DNA vaccine is administered directly in the form of DNA.

18(currently amended). The DNA vaccine according to claim [[1]] 16, wherein it is administered by way of subcutaneous injection, intramuscular injection, oral administration, spraying or gene gun injection.

Appl. No. 10/633,048  
Amendment dated: May 31, 2006  
Reply to OA of: February 22, 2006

19-36(cancelled).